

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, May 11, 2017**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Sue Barber, Janet Carter Bernardo (7:40 arrival), Artie Crocker, Stephen Farr, Peter Oehlkers, Debbie Anderson (Conservation Specialist), Matthew Varrell (Director of Conservation)

GUESTS: Phil Cordeiro, Janet Fishstein, Al Gala, R.J. Hatfield, S.J. Hatfield, John Rockwood, Steve Tolley, Mike Toohill, Dan Wells

P. Oehlkers opened the public meeting at 7:30 p.m.

MISCELLANEOUS BUSINESS:

ENFORCEMENT & VIOLATION UPDATES:

25 MARR ROAD

M. Varrell explained that the Applicant's Representative, Dan Wells of Goddard Consulting, Inc., called him to notify him that work had begun at the 25 Marr Road property prior to the required pre-construction meeting on-site with staff. The permit allowed for the removal of fifteen (15) specific trees, and the retention of a particular oak tree that was to be protected. D. Wells stated that, without his knowledge, the Applicant had hired a tree removal company and the company has cut down fourteen (14) of the permitted trees and mistakenly removed the oak tree that was to be preserved and left one of the pine trees that was slated for removal.

D. Wells stated that the Landscape Architect, Wes Wirth, will be overseeing the project from now on. J. Carter Bernardo expressed her disappointment that the homeowners were not present to explain why the pre-construction meeting was not held as required. She also stated that the Commission had been very reluctant to allow the removal of so many trees and had specifically required the oak tree to be preserved. M. Varrell stated that the erosion controls were installed prior to the tree removal; however, they required some re-configuration. D. Wells suggested the Applicant will plant at least two (2) additional trees for the unpermitted removal of the oak tree. The permit is now recorded, the DEP sign installed and the erosion control issues fixed.

M. Varrell stated that he had instructed D. Wells to advise the Applicant that other than the re-configuration of the erosion controls, no other work was to take place including cutting of any more vegetation unless staff are on-site and permission is granted. M. Varrell added that all of the stumps were ground; therefore, it would be difficult to determine that exactly fifteen (15) trees had been cut.

The Commission discussed fining the Applicants \$200/day based on each of the two Special Conditions that were not followed for 5 days from the date the trees were cut to when M. Varrell was notified for a total of \$2,000. The Commission discussed requiring the Applicants to submit a Request to Amend the Order of Conditions that includes a planting plan to mitigate for the loss of the oak tree.

Motion to issue the owners of 25 Marr Road fines of \$200/day for the 5 days the owner was in violation of Special Conditions #11 & #12 for a total of \$2,000 by S. Farr, seconded by P. Oehlkers, approved 4-0-0 (A. Crocker left the meeting early).

Motion to issue an Enforcement Order to the owners of 25 Marr Road requiring they submit a Request to Amend their Order of Conditions for a revised planting plan and that no work may continue until such time as the Commission issues an Amended Order of Conditions by S. Farr, seconded by P. Oehlkers, approved 4-0-0 (A. Crocker left the meeting early), a copy is to be sent to Goddard Consulting and Wes Wirth.

170 WHITMAN ROAD

The property owners, Roger and Susan Hatfield were in attendance. D. Anderson reviewed the violation for the Commission. She noted that she had been informed about un-permitted tree clearing at this address located on the Charles River. She attempted to make contact with the owner and left a business card with the housekeeper. Having not heard back, she visited the site again and investigated the rear of the parcel for signs of recent tree clearing along the river. Although she did not see very recent evidence of tree cutting, it was obvious that cutting had taken place. There were several areas with logs piled near stumps. In addition, several docks had been placed end to end off the Bank of the river, lumber was placed along the Bank of the river, and a boardwalk was constructed most likely to access an existing boardwalk located further into the wetland. D. Anderson stated she had visited the property a third time with M. Varrell. Ownership of this area is in question after review of GIS Maps. The 170 Whitman Road lot does not actually continue all the way to the stream. A pork-chop shaped parcel extends from 140 Whitman Road to the stream. An Enforcement Order was sent to Mr. and Mrs. Hatfield requesting their attendance at the meeting to explain the work they had been doing on the property.

Mrs. Hatfield stated that they had indeed been working on the property but had not been aware of the need for a Permit. They had moved in approximately 2 years ago after a 4-year vacancy of the property. They had found the garden to be overgrown with oriental bittersweet and went about removing it. Other refuse such as parts of a pool that had been demolished and cement blocks were left by the previous owners which they have been getting rid of. She described the area where they laid down the boardwalk as “boggy” and they were trying to gain access to the boardwalk out on the wetland peninsular adjacent their property. She stated they could be picked up and removed easily.

D. Anderson asked about the three docks located in a row off the Bank of the river. Mr. Hatfield replied that there were two fixed docks and one floating dock when they purchased the property. The docks were in a state of disrepair so he repaired them and instead of re-installing one of the fixed docks, he made it another floating dock. There was a discussion whether there had been a Chapter 91 Permit issued for the docks; however, the Commission does not regulate docks under Chapter 91. Mr. Hatfield stated he will do some research to determine permitting requirements under Chapter 91. The Hatfields stated they did not remove any trees. The Commission will require the Hatfields to submit an after-the-fact Notice of Intent for the work they have done and any they propose to do in the near future within the 200-foot Riverfront Area. A re-planting plan should be submitted with the application. The Commission recommended a meeting with Conservation staff to review the permitting requirements. Delineation of resources on the site may be required, depending on the scope of the work.

WELLESLEY COUNTRY CLUB

Mike Toohill of BSC Group was present to provide an update on the remediation of the violations at the Country Club. M. Varrell reminded the Commission that the violation included the release of sediment into an Isolated Wetland and the unpermitted installation of drainage pipes within the 100-foot Buffer Zone. A deadline of April 27th, 2017 had been given to the Country Club to submit a Restoration Plan and drainage calculations that depict how the erosion violation will be remedied and the area restored. Nothing was submitted until May 5th, 2017. At the last meeting, the Commission discussed the issuance of a fine of \$200/day for the 8 days that the required plan and calculations were not submitted for a total of \$1,600.

M. Toohill introduced Phil Cordeiro of Allen & Major, as the Engineer that performed the calculations for the drainage for the short course, all of which is located outside the Commission's jurisdiction. M. Toohill stated that the drainage calculations had been reviewed by the Town Engineers of both Needham and Wellesley prior to construction. The removal of a knoll that was installed in the basin as a decorative feature and the removal of sediment fines that came in during the winter and sealed the bottom of the basin should restore the proper function of the basin. Other improvements to the basin were discussed. Restoration will include the removal of the unpermitted drainage pipes. They want to put rock and gravel in the trenches on either side to infiltrate runoff. The sediment in the wetland will be removed by hand. A plan was submitted to show what the basin will look like when completed by Phil Cordeiro. He will submit a stamped plan. In addition, M. Toohill will amend the memo that he had submitted to include the revisions discussed. The work should be done during a dry period. M. Varrell suggested that a monitoring report of the basin should be submitted within 30 days of a storm of ¼" or more showing how quickly it infiltrates. The bank where the pipe will be removed will be seeded with an appropriate seed mix and red twig dogwood shrubs to stabilize the slope.

M. Toohill explained that neither he nor the Course Manager, Bill Sansone, had heard at the previous meeting that there was a deadline of April 27, 2017 to submit the materials and were surprised by the additional fines. M. Varrell noted that the Enforcement Order that was issued had the deadline clearly written.

M. Varrell will produce an addendum to the Enforcement Order based on the revised plan which will show the approximate location of the pipes to be removed, the revised seed mix, the addition of the dogwood plantings, a north arrow and the scale, as well as, the revised memo that will be submitted within a week. J. Carter Bernardo suggested the filter fabric be removed from the detail of the infiltration device to be installed within the basin. An on-site pre-construction meeting will be required prior to the start of work. The work will need to be completed by July 1, 2017. M. Varrell asked if any of the water testing of the wetland had been performed as required by the ZBA Permit. M. Toohill replied that it had. M. Varrell requested that the pesticide report from the golf course be submitted.

Motion to issue the Wellesley Country Club fines of \$200/day for the 8 days beyond the submittal deadline for the restoration plan and memo for a total of \$1,600 by S. Farr, seconded by P. Oehlkers, approved 4-0-0 (A. Crocker left the meeting early).

HEARINGS

125 STRATFORD ROAD – NOTICE OF INTENT (DEP FILE #234-786)

J. Carter Bernardo opened the public hearing at 7:45 p.m.

John Rockwood of EcoTec, Inc. was representing the Applicant on behalf of Joyce Hastings of GLM Engineering Consultants who was unable to attend. J. Rockwood described the existing wetland resources and site conditions. No work is proposed within the 50-foot Buffer Zone and erosion controls are proposed. The proposed project includes the removal of the existing garage and rebuild on the same foundation including a second story addition. An expansion of an existing concrete patio with a blue stone patio is proposed. An increase of 895 square feet of impervious surface in the Buffer Zone is proposed. Two (2) oversized cultec units are proposed to compensate for the additional impervious area.

M. Varrell explained that most of the existing roof runoff is picked up by downspouts that connect with the ground presumably to an existing drywell. There is one downspout that is not connected that will be directed to a new drywell. No trees are proposed for removal and the stockpile area will be located outside the Buffer Zone.

Motion to close the public hearing for 125 Stratford Road (DEP File #234-786) by S. Farr, seconded by A. Crocker, approved 5-0-0.

Motion to issue the Order of Conditions for 125 Stratford Road (DEP File #234-786) by S. Farr, seconded by S. Barber, approved 5-0-0.

OTHER BUSINESS:

REQUEST FOR A MINOR MODIFICATION – 9 ALDEN ROAD (DEP FILE #234-775)

Al Gala represented the Applicant. He gave a brief overview of the approved project. The project is the construction of a garage adjacent to the house. The approved project included the use of cultec units to infiltrate the roof runoff from the new garage. The owner finds the installation of the cultec units to be cost prohibitive and asked Mr. Gala if there is a less costly alternative. The revised plan calls for the removal of the existing impermeable driveway material, walkway and patio area and installation of permeable pavers in these areas to mitigate for the new garage roof runoff.

M. Varrell added that a large addition that was to be constructed off the rear of the house is no longer proposed. The only construction will be the new garage, most of which is located outside the 100-foot Buffer Zone. J. Carter Bernardo stated that the Commission finds the mitigation proposed as a good trade-off in this instance but advised that the Town Engineer is requesting the Commission require infiltration of roof runoff as much as possible. J. Carter Bernardo asked that any notes on the plan regarding the infiltration system be removed.

Motion to approve a minor modification to the plans for 9 Alden Road (DEP File #234-775) by S. Farr, seconded by A. Crocker, approved 5-0-0.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 159 OXBOW ROAD (DEP FILE #234-775)

M. Varrell stated that the Request had come in approximately six weeks ago. The project was complete and very straight forward; however, the Project Engineer had not submitted the test pit information which was required in the Order of Conditions so the Commission had tabled the

Request until the information was received. M. Varrell is now in possession of the test pit data and recommends the Commission issue a complete Certificate of Compliance.

Motion to issue a complete Certificate of Compliance for 159 Oxbow Road (DEP File #234-775) by S. Farr, seconded by S. Barber, approved 5-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE – BABSON COLLEGE (DEP FILE # 234-353, #234-395, AND #234-717)

Steve Tolley and Janet Fishstein from Babson College explained that they had been doing some Permit “housekeeping” and found that these three Permits had not been closed out. They gave the background on each of the open Orders of Conditions.

1. **DEP File #234-353** was for a large detention basin constructed in 2001. The As-Built Plan and letter from the Engineer stating the basin was constructed as proposed had been submitted.
2. **DEP File #234-395** was never constructed and M. Varrell stated the Permit was old enough that he had difficulty finding information but was satisfied with the documentation provided by Babson that the work never occurred.
3. **DEP File #234-717** was a more recent proposed project that entailed drainage improvements that was never started.

J. Carter Bernardo asked if there are maintenance reports that are completed annually. S. Tolley replied the reports are done each year and they are used to plan for upcoming maintenance scheduling. M. Varrell noted that the Commission should be receiving a copy of the reports by November 1st each year; however, the report deadline is not consistently met. S. Tolley will work on getting them submitted by the November 1st deadline.

Motion to issue Certificates of Compliance for Babson College (DEP File #234-353, #234-395, and #234-717) by S. Farr, seconded by A. Crocker, approved 5-0-0.

898 SOUTH STREET – SITE VISIT

M. Varrell stated that the time that most of the Commission Members could attend a site visit at 898 South Street is the upcoming Sunday, May 14th at 9:00 a.m. Alison Richardson will have to visit the site separately as she unable to attend on the 14th.

NORTH HILL – REPAVING

M. Varrell stated that one of the access roads at North Hill is in need of re-paving. They have an existing permit that characterizes the ditches along the edge of the road as Vegetated Wetlands. M. Varrell enquired if the Commission will want to continue to regulate these roadside ditches as resource areas. The Commission feels that as stormwater features, the ditches should be able to be maintained and not identified as resource areas. M. Varrell stated that his draft revisions to the Wetlands Bylaw address this matter to align it with the Mass. WPA Regulations.

EMAIL REGARDING A HOUSE BILL FILED #1112

It’s an act improving housing opportunities in the Massachusetts economy and it includes language that basically says if a Conservation Commission does not already have a Bylaw in

place, it would put some potential restrictions on a new Bylaw in regards to how it treats housing. M. Varrell spoke to the Town's Housing Specialist who stated that these bills are filed all the time and usually go nowhere. M. Varrell enquired if the Commission wishes to send a letter stating their opposition to the Bill. A draft letter by others is available to sign onto if desired. S. Farr stated that it would not affect them because the Town already has a Wetland Bylaw. The Board of Health is sending a letter that the Commission can sign on. The Commission agreed. M. Varrell will circulate the letter before it is sent.

54 PERRY DRIVE

M. Varrell reminded the Commission of the recent RDA filing by the owner of 54 Perry Drive, Richard Rosenlev. Mr. Rosenlev has contacted M. Varrell regarding adding a porch to the front of his house within the 100-foot Buffer Zone. Since the other work was permitted under an RDA filing, there is no mechanism to amend the RDA to allow for the porch addition. Does the Commission feel it is necessary to require Mr. Rosenlev to file a new RDA for the porch or are they comfortable with M. Varrell issuing a letter approving the construction of the porch with the submittal of a revised plan. The Commission agreed a letter of approval is appropriate.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

The meeting was adjourned at 9:35 pm.

NEXT PUBLIC MEETING

Thursday, May 25, 2017 at 7:30 PM in the PSAB located at 500 Dedham Avenue, Charles River Room.